

PUBLIC SECURITY EXAMINATION COMMISSION  
ESTABLISHMENT ACT

*LAW No 242 of 1952*

(Establishment of Commission)

Article 1. There shall be established a commission as an external body of the Attorney General's Office to be known as the Public Security Examination Commission (hereinafter referred to as the "Commission"), and to be in charge of examination and determination of decisions with regard to control of subversive organizations to be carried out in order to contribute to the insuring of public security under the Subversive Activities Prevention Act (Law No. \_\_\_\_\_ of 1952).

(Authority)

Art. 2. In order to perform the functions as laid down in this Act, the Commission shall have the following authority; Provided, however, that such authority shall be exercised in accordance with laws (including orders based on laws):

(1) Defrayment within the limits of the budget of expenses necessary for the performance of the functions of the Commission;

(2) Collection of revenues and payment necessary for the carrying out of the functions of the Commission;

(3) Establishment and administration of offices and so forth directly necessary to perform the duties of the Commission;

(4) Procurement of office supplies and so forth directly necessary to perform the functions of the Commission;

(5) Appointment, dismissal, rewarding and punishment of employees and other matters pertaining to the personnel administration;

(6) Making of the official seal of the Commission;

(7) Taking action to restrict the activity of organizations which have carried on any terroristic subversive activity;

(8) Taking action to declare organizations which have carried on any terroristic subversive activity to be dissolved; and

(9) Other powers vested in the Commission under laws (including orders based on laws).

(Exercise of authority)

Art. 3. The chairman and members of the Commission shall exercise their authorities independently.

(Organization)

Art. 4. The Commission shall be composed of a chairman and six members.

(Appointment of chairman and members)

Art. 5. The chairman and members of the Commission shall be appointed by the Prime Minister with the consents of both Houses of the Diet from among persons who are of noble character and can make fair judgment on control of organizations and who are learned or experienced in law or social affairs.

2. In the case of expiration of the term of office of the chairman or members of the Commission or in the case of a vacancy or vacancies in the Commission membership, if it is impossible to secure the consents of both Houses of the Diet because the Diet is not then in session or the House of Representatives is then dissolved, the Prime Minister may, notwithstanding the provisions of the preceding paragraph, appoint the chairman or member or members of the Commission from among persons who are of noble character and can make fair judgment on control of organizations and who are learned or experienced in law or social affairs.

3. In such case as mentioned in the preceding paragraph, ex post facto approvals of both Houses shall be obtained in the first session of the Diet after the appointment or appointments. In such case, if it is impossible to obtain ex post facto approvals of both Houses, the Prime Minister shall remove the chairman or member or members of the Commission appointed in such manner.

4. Not more than two of the chairman and members of the Commission shall be members of the same political party.

5. The chairman and members of the Commission shall be on non-regular duty.

(Term of office)

Art. 6. The terms of office of the chairman and members of the Commission shall be four years, except that any individual chosen to fill a vacancy shall be appointed for the unexpired term of the chairman or member whom he shall succeed.

2. The chairman and each member of the Commission may be reappointed.

(Guarantee of Status)

Art. 7. The chairman and any member of the Commission shall not be removed against their will except for any of the following causes or unless coming under Article 9:

(1) Being declared incompetent, quasi-incompetent or bankrupt;

(2) Being sentenced to any penalty heavier than imprisonment without hard labor; and

(3) Being found by the Commission to be unable to perform official duties due to any mental or physical trouble or to have committed a violation of official duties or any other misconduct unbecoming to the chairman or member of the Commission.

(Removal)

Art. 8. The Prime Minister shall remove the chairman or any member of the Commission who shall come under any of the provisions of (1), (2) and (3) of the preceding article.

Art. 9. In the case more than two of the chairman and members of the Commission are members of the same political party, the Prime Minister shall, with the consents of both Houses of the Diet, remove such excess member or members so that members belonging to the same political party shall be two.

2. The provisions of the preceding paragraph shall not affect the position of the chairman or any member of the Commission as to whom there shall be no change in his affiliation with any political party.

(Chairman)

Art. 10. The chairman shall preside over the affairs of the Commission and represent the Commission.

2. The Commission shall beforehand designate one member to act for the chairman in the case he is prevented from performing his duty by some difficulty.

(Conference)

Art. 11. The Commission shall not hold a conference and make a decision unless the chairman and more than two members are present.

2. In the proceedings of the Commission any decision shall be determined by majority of votes. In the case of a tie, the chairman shall decide.

3. In finding under Article 7 (3), the Commission shall, notwithstanding the provisions of the preceding paragraph, get the unanimous agreement by all the members excepting the member concerned.

(Assistants)

Art. 12. There shall be assigned to the Commission three assistant members.

2. The assistant members shall under the command of the chairman be in charge of business necessary for the examination and determination of the Commission.

3. The assistant members shall be appointed by the chairman from among lawyers and other persons learned and experienced in legal work.

4. The assistant members shall be on non-regular duty.

(Establishment of regulations)

Art. 13. The Commission may establish regulations of the Public Security Examination Commission concerning the functions assigned to it, to enforce laws or Cabinet ordinances or on the basis of any special authorization by laws or Cabinet ordinances.

(Commission secretariat)

Art. 14. There shall be set up in the Commission a secretariat to deal with the business connected with the Commission.

2. There shall be installed in the secretariat of the Commission a secretary general and other staff members.

3. The fixed number of the members of the secretariat staff shall be prescribed by a separate law.

4. The appointment, dismissal, promotion, disciplinary punishment and other matters pertaining to the personnel administration of the secretariat staff shall be dealt with in accordance with the National Public Service Law (Law No. 120 of 1947).

5. The organization of the secretariat of the Commission shall be prescribed by the regulations of the Public Security Examination Commission.

#### Supplementary Provisions

1. This Act shall go into effect on the date of enforcement of the Subversive Activities Prevention Act.

2. Notwithstanding the provisions of the preceding paragraph, any action which may be necessary for the appointment of the chairman and members of the Commission under Article 5 paragraph 1 may be taken even before the enforcement of this Act.

3. Notwithstanding the provisions of Article 6 paragraph 1, three of the members to be initially appointed after the enforcement of this Act shall be appointed for terms of two years as shall be prescribed by the Prime Minister.

4. The Law for Establishment of Attorney General's Office (Law No. 193 of 1947) is amended in part as follows:

Revise Article 13-(10) to read as follows:

"Article 13-(10). As to the Public Security Examination Commission, the provisions of the Public Security Examination Commission Establishment Act (Law No. \_\_\_\_\_ of 1952) shall apply."

5. The National Government Organization Law (Law No. 120 of 1948) is amended partly as follows:

Revise the words "Judicial Examination Administration Commission" in the section of the Attorney General's Office in Annexed Table No. 1 to read "Judicial Examination Administration Commission  
Public Security Examination Commission."

6. The Law concerning Compensation for National Public Service Personnel in the Special Government Service (Law No. 252 of 1949) is amended in part as follows:

Add immediately after (20) in Article 1 a new item to read as follows:

"2 of 20. The chairman and members of the Public Security Examination Commission."